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### **REMARKS**

Claims 2-20 are pending in this application.

Claims 2-5, 7-10, 13, 15 and 18-20 have been rejected.

Claims 6-7, 11-12, 14 and 16-17 have been objected to.

Claims 3-7 and 10-14 have been amended.

Claims 2-20 remain pending in this application.

Reconsideration of the Claims 2-20, as amended, is respectfully requested.

### **Claim Objections**

On Page 3 of the August 23, 2005 Office Action Claims 3-7 and Claims 10-14 were objected to due to informalities. In response, the Applicants have amended Claims 3-7 and Claims 10-14 to replace the article "An" with the article "The" at the beginning of each of the claims. The Applicants respectfully submit that the amendments overcome the claim objections.

### **Allowable Subject Matter**

On Page 9 of the August 23, 2005 Office Action Claims 6-7, 11-12, 14 and 16-17 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The Applicants accept and acknowledge the Examiner's finding that the referenced claims contain allowable subject matter. For the reasons set forth below, the Applicants believe that the

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rejected base claims (and intervening claims) also contain patentable subject matter. Therefore, the Applicants have not rewritten Claims 6-7, 11-12, 14 and 16-17 in independent form.

**35 U.S.C. § 103(a) Obviousness**

On Pages 3-4 of the August 23, 2005 Office Action, the Examiner rejected Claim 2 and Claim 3 under 35 U.S.C. § 103(a) as being unpatentable over United States Patent No. 6,161,182 to Paul B. Rawlins (hereafter "*Rawlins*").

On Page 4 of the August 23, 2005 Office Action, the Examiner rejected Claim 4 under 35 U.S.C. § 103(a) as being unpatentable over *Rawlins*.

On Pages 4-5 of the August 23, 2005 Office Action, the Examiner rejected Claim 5 under 35 U.S.C. § 103(a) as being unpatentable over *Rawlins* in view of United States Patent No. 5,799,196 to Michael R. Flannery (hereafter "*Flannery*").

On Pages 5-7 of the August 23, 2005 Office Action, the Examiner rejected Claims 8-10, Claim 13 and Claim 15 under 35 U.S.C. § 103(a) as being unpatentable over *Flannery* in view of *Rawlins*.

On Page 7 of the August 23, 2005 Office Action, the Examiner rejected Claims 8-10, Claim 13, Claim 15 and Claim 20 under 35 U.S.C. § 103(a) as being unpatentable over *Flannery* in view of *Rawlings* and further in view of United States Patent Application Serial No. 2002/0141418 A1 to Avnor Ben-Dor et al. (hereafter "*Ben-Dor*").

On Page 8 of the August 23, 2005 Office Action, the Examiner rejected Claim 18 under 35 U.S.C. § 103(a) as being unpatentable over *Flannery* in view of *Rawlins* and further in

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view of United States Patent Application Serial No. 2002/0144115 A1 to Steven Lemay et al. (hereafter "*Lemay*").

On Pages 8-9 of the August 23, 2005 Office Action, the Examiner also rejected Claim 19 under 35 U.S.C. § 103(a) as being unpatentable over *Flannery* in view of *Rawlins*.

The Applicants respectfully traverse the Examiner's position that the Applicants' invention is obvious in view of the cited prior art references. The Applicants respectfully request the Examiner to withdraw the rejection of Claims 2-20 in view of the following arguments.

During *ex parte* examinations of patent applications, the Patent Office bears the burden of establishing a *prima facie* case of obviousness. MPEP § 2142; *In re Fritch*, 972 F.2d 1260, 1262, 23 U.S.P.Q.2d 1780, 1783 (Fed. Cir. 1992). The initial burden of establishing a *prima facie* basis to deny patentability to a claimed invention is always upon the Patent Office. MPEP § 2142; *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Piasecki*, 745 F.2d 1468, 1472, 223 U.S.P.Q. 785, 788 (Fed. Cir. 1984). Only when a *prima facie* case of obviousness is established does the burden shift to the applicant to produce evidence of non-obviousness. MPEP § 2142; *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Rijckaert*, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). If the Patent Office does not produce a *prima facie* case of unpatentability, then without more the applicant is entitled to grant of a patent. *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Grabiak*, 769 F.2d 729, 733, 226 U.S.P.Q. 870, 873 (Fed. Cir. 1985).

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A *prima facie* case of obviousness is established when the teachings of the prior art itself suggest the claimed subject matter to a person of ordinary skill in the art. *In re Bell*, 991 F.2d 781, 783, 26 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1993). To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed invention and the reasonable expectation of success must both be found in the prior art, and not be based on an applicant's disclosure. MPEP § 2142.

For the reasons set forth below the Applicants respectfully submit that the Patent Office has not established a *prima facie* case of obviousness with respect to Claims 2-20 of the Applicants' invention.

Claim 2 claims an apparatus that comprises a secure USB domain device that is coupled to an external host computer, wherein the secure USB domain device comprises elements that are not accessible by the external host computer.

The computer system of *Rawlins* (processor 12, system memory 18, northbridge 14) represents an external host computer. (March 24, 2005 Office Action, Page 2, Line 24). Southbridge 26 of the *Rawlins* system comprises a PCI Interface Unit 28 and a USB Host Controller 30. Unlike the Host computer 100 in the present invention, host computer of the *Rawlins* system (processor 12) is able to access the USB Host Controller 30. Processor 12

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operates in two different modes. The first mode is a normal operation mode. The second mode is a system management mode (SMM).

When the USB Host Controller 30 of *Rawlins* sends a system management interrupt signal (SMI) to processor 12, then processor 12 can access information that is stored within USB Host Controller 30. The processor 12 then switches from the normal operating mode to the system management mode (SMM). In the system management mode (SMM) the processor 12 switches to a separate operating environment contained within a system management random access memory (SMRAM). The SMRAM contains SMI handler code. The SMI handler code (under the control of processor 12) transfers information from the USB Host Controller 30 to a specified location within system memory 18. Therefore, the external host computer of *Rawlins* (processor 12, system memory 18, northbridge 14) is capable of accessing the information in USB Host Controller 30 whenever the processor 12 is operating in the SMM mode.

The Examiner stated that in the *Rawlins* system "there is no accessibility between the host and the USB device unless authorized, and no accessibility is allowed during normal operation." (August 23, 2005 Office Action, Page 2, Lines 16-18). The Applicants respectfully traverse these conclusions of the Examiner in light of the teachings of the *Rawlins* reference. In the *Rawlins* system there is no accessibility between the host (processor 12) and the USB device (USB Host Controller 30) during system management mode (SMM) of operation unless authorized by the USB Host Controller 30. Whenever the system management mode (SMM) mode of operation is activated, the host (processor 12) is able to access elements within the USB Host Controller 30.

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The *Rawlins* reference does not state that “no accessibility is allowed during normal operation.” The fact that accessibility is allowed during secure operations does not imply that there is no accessibility during normal operations. In normal operations there is no need to restrict accessibility of the host (processor 12) to USB Host Processor 30. In any event, USB Host Processor 30 of *Rawlins* does comprise elements that are accessible by the host (processor 12) during the system management mode (SMM) of operation.

As claimed in Claim 3, the secure USB domain device 300 of the Applicants' invention comprises (1) a USB memory device that is not accessible by the host computer, and (2) a USB processor that is not accessible by the host computer, and (3) a USB host controller that is not accessible by the host computer, and (4) an internal USB bus that couples the USB memory device, the USB processor, and the USB host controller. As described in the specification, the elements of the Applicants' secure USB domain device are not accessible by an external host computer. The USB domain device 300 of the Applicants' invention controls the transmission of data to the Host computer 100. Secure data is sent in encrypted form. It is not necessary for the Host computer 100 to operate in two different modes of operation.

In rejecting Claim 2 and Claim 3, the Examiner stated that the *Rawlings* reference shows the elements of the Applicants' invention. (August 23, 2005 Office Action, Page 3, Line 14 to Page 4, Line 10). The Applicants respectfully traverse these assertions of the. In particular, the Applicants respectfully traverse the assertion that the *Rawlins* reference shows “a USB memory device that is not accessible by said host computer” within a secure USB domain device that is coupled to an external host computer. The Applicants respectfully traverse the assertion

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that the *Rawlins* reference shows “a USB processor that is not accessible by said host computer” within a secure USB domain device that is coupled to an external host computer. The Applicants respectfully traverse the assertion that the *Rawlins* reference shows “a USB host controller that is not accessible by said host computer.”

The Applicants respectfully traverse the assertion that “an internal USB bus that couples said USB memory device, said USB processor, and said USB host controller” is met on Figure 1 (and associated text) of the *Rawlins* reference. The USB bus that is shown in Figure 1 couples USB devices 32 (including USB keyboard 32a) to USB Host Controller 30. It is clear that the USB bus that is shown in Figure 1 does not couple the USB memory device 302, the USB processor 301, and the USB host controller 303 within the secure USB Bridge 300 of the Applicants’ invention.

The *Rawlins* system does not disclose or suggest (1) a USB memory device that is not accessible by the host computer, and (2) a USB processor that is not accessible by the host computer, and (3) a USB host controller that is not accessible by the host computer, and (4) an internal USB bus that couples the USB memory device, the USB processor, and the USB host controller. As described above, the elements of the *Rawlins* USB Host Controller 30 are accessible by the host computer (processor 12).

The Examiner stated that “It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the USB memory device, processor and host controller inaccessible to the host computer so as to prevent unauthorized access to data by a malicious computer user.” (August 23, 2005 Office Action, Page 4, Lines 7-10). The Applicants

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respectfully traverse this assertion of the Examiner for the following reasons.

The supposed motivation to prevent "unauthorized access to data" is very general and does not specifically suggest modifying the teachings of the *Rawlings* reference (or suggest how to make any modifications). There must be some suggestion or motivation, either in the references themselves, or in the knowledge generally available to one of ordinary skill in the art, to modify a reference or to combine reference teachings. The desire to prevent "unauthorized access to data" is too general and vague to provide the legally requisite motivation to modify a reference or to combine reference teachings. The *Rawlings* system must employ two different operating modes in order for the *Rawlings* system to provide "unauthorized access to data."

The *Rawlings* system does not teach, suggest, or even hint at the Applicants' invention as set forth in Claims 2-3. MPEP § 2142 indicates that a prior art reference (or references when two or more references are combined) must teach or suggest all the claim limitations of the invention. The teaching or suggestion to make the claimed invention and the reasonable expectation of success must both be found in the prior art, and not be based on an applicant's disclosure. In the present case, the *Rawlings* reference does not teach or suggest all the claim limitations of the Applicants' invention. Therefore, the Applicants respectfully submit that the rejection of Claim 2 and Claim 3 under 35 U.S.C. § 103(a) has been overcome.

With respect to Claim 4, the Examiner stated that "Rawlings teaches an apparatus as claimed in Claim 3 further comprising a USB node coupled to said USB bus, said USB node capable of being coupled to a USB tree (see fig.1 and associated text). (August 23, 2005 Office Action, Page 4, Lines 11-13). The Applicants respectfully traverse this assertion of the



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Examiner. The *Rawlins* reference (1) does not teach an apparatus as claimed in Claim 3, and (2) does not disclose an internal USB bus 305 and (3) does not disclose a USB node 310 coupled to the internal USB bus 305. There is no structure in *Rawlins* that is analogous to the USB node 310 described and claimed by the Applicants.

The *Rawlins* reference does not teach, suggest, or even hint at the Applicants' invention as set forth in Claim 4. MPEP § 2142 indicates that a prior art reference (or references when two or more references are combined) must teach or suggest all the claim limitations of the invention. The teaching or suggestion to make the claimed invention and the reasonable expectation of success must both be found in the prior art, and not be based on an applicant's disclosure. In the present case, the *Rawlings* reference does not teach or suggest all the claim limitations of the Applicants' invention. Therefore, the Applicants respectfully submit that the rejection of Claim 4 under 35 U.S.C. § 103(a) has been overcome.

On Pages 4-5 of the August 23, 2005 Office Action, the Examiner rejected Claim 5 under 35 U.S.C. § 103(a) as being unpatentable over *Rawlins* in view of *Flannery*. The Applicants respectfully traverse the Examiner's position that the Applicants' invention is obvious in view of the *Rawlins* reference and the *Flannery* reference. The Applicants hereby incorporate by reference all of the remarks previously made concerning the deficiencies of the *Rawlins* reference in connection with the Applicants' arguments against the claim rejections discussed above.

The Examiner stated that "As per claim 5 *Rawlins* teach all limitations of the claim as applied above but do not disclose wherein said apparatus comprises a secure USB domain device

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embedded within a host computer. However Flanny disclose the above limitation on col.2, lines 12-14 and 18-22. It would have been obvious to one of ordinary skilled in the art at the time the invention was made to utilize embedded USB device in Rawlins in order to create hierarchical topology that enhances the scalability of the computer system in order to connect more devices to the root of the host for efficiency reasons.” (August 23, 2005 Office Action, Page 4, Line 16 to Page 5, Line 3).

The Applicants respectfully traverse these assertions of the Examiner. For the reasons previously set forth, the Applicants respectfully traverse that all of the limitations are met by *Rawlins* except for the limitation of embedding a secure USB domain device within a host computer. The Applicants have already identified and discussed the deficiencies of the *Rawlins* reference. These deficiencies are not corrected or supplied by any elements within the *Flannery* reference.

The cited portion of the *Flannery* reference refers to the concept of a simple “root” hub embedded in a host computer. *Flannery* refers to a “root” hub 506 in host computer 100 as shown in Figure 5. *Flannery* does not disclose a secure USB domain device embedded within a host computer. Furthermore, the supposed motivation to create “a hierarchical topology” is very general and does not specifically suggest combining the teachings of the *Rawlins* reference with the teachings of the *Flannery* reference. There must be some suggestion or motivation, either in the references themselves, or in the knowledge generally available to one of ordinary skill in the art, to modify a reference or to combine reference teachings. The desire to obtain “a hierarchical

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topology” is too general and vague to provide the legally requisite motivation to modify a reference or to combine reference teachings.

The Applicants respectfully submit that one skilled in the art would not attempt to combine the apparatus and method of *Rawlins* with the apparatus and method of *Flannery*. The Applicants submit that a combination of the *Rawlins* apparatus and the *Flannery* apparatus would be unworkable. For this reason there would be no suggestion or motivation to combine the teachings of the *Rawlins* reference with the teachings of the *Flannery* reference.

Even if the *Rawlins* reference could somehow be combined with the *Flannery* reference, the combination would not teach, suggest, or even hint at the Applicants’ invention as set forth in Claim 5. MPEP § 2142 indicates that a prior art reference (or references when two or more references are combined) must teach or suggest all the claim limitations of the invention. The teaching or suggestion to make the claimed invention and the reasonable expectation of success must both be found in the prior art, and not be based on an applicant’s disclosure. In the present case, the *Rawlins* reference and the *Flannery* reference in combination would not teach or suggest all the claim limitations of the Applicants’ invention. Therefore, the Applicants respectfully submit that the rejection of Claim 5 under 35 U.S.C. § 103(a) has been overcome.

On Pages 5-7 of the August 23, 2005 Office Action, the Examiner also rejected Claims 8-10, 13 and 15 under 35 U.S.C. § 103(a) as being unpatentable over *Flannery* in view of *Rawlins*. On Page 7 of the August 23, 2005 Office Action, the Examiner rejected Claims 8-10, 13, 15 and Claim 20 under 35 U.S.C. § 103(a) as being unpatentable over *Flannery* in view of *Rawlins* and further in view of *Ben-Dor*.

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The Applicants respectfully traverse the Examiner's position that the Applicants' invention is obvious in view of the *Flannery* reference and the *Rawlins* reference and the *Ben-Dor* reference. The Applicants hereby incorporate by reference all of the remarks previously made concerning the deficiencies of the *Rawlins* reference and the *Flannery* reference in connection with the Applicants' arguments against the claim rejections discussed above.

With respect to Claim 8 and Claim 15, the Examiner stated that the *Flannery* reference meets the limitation of an apparatus for providing a secure universal serial bus (USB) except that *Flannery* does not meet the limitation of "a secure USB domain device." The Examiner asserted that the limitation of "a secure USB domain device" is met by the *Rawlins* reference. The Examiner stated "It would have been obvious to one of ordinary skilled in the art at the time the invention was made to utilize Rawlins's USB secure device capable of blocking confidential data in Flannery system in order to prevent leakage of the confidential information." (August 23, 2005 Office Action, Page 5, Line 19 to Page 6, Line 3).

The Applicants respectfully traverse these assertions of the Examiner. For the reasons previously set forth, the Applicants respectfully traverse that all of the limitations of Claim 8 and Claim 15 are met by a combination of *Rawlins* and *Flannery*. The Applicants have already identified and discussed the deficiencies of the combination of the *Rawlins* reference and the *Flannery* reference.

Further, the supposed motivation to prevent "leakage of the confidential information" is very general and does not specifically suggest combining the teachings of the *Rawlins* reference with the teachings of the *Flannery* reference. There must be some suggestion or

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motivation, either in the references themselves, or in the knowledge generally available to one of ordinary skill in the art, to modify a reference or to combine reference teachings. The desire to prevent confidential information from leaking is too general and vague to provide the legally requisite motivation to modify a reference or to combine reference teachings.

Even if the *Rawlins* reference could somehow be combined with the *Flannery* reference, the combination would not teach, suggest, or even hint at the Applicants' invention as set forth in Claim 8 and Claim 15. MPEP § 2142 indicates that a prior art reference (or references when two or more references are combined) must teach or suggest all the claim limitations of the invention. The teaching or suggestion to make the claimed invention and the reasonable expectation of success must both be found in the prior art, and not be based on an applicant's disclosure. In the present case, the *Rawlins* reference and the *Flannery* reference in combination would not teach or suggest all the claim limitations of the Applicants' invention. Therefore, the Applicants respectfully submit that the rejections of Claim 8 and Claim 15 under 35 U.S.C. § 103(a) have been overcome.

Claims 9-10 and Claim 13 each contain the unique and patentable subject matter that is contained in Claim 8. For the reasons set forth above, the Applicants respectfully submit that the supposed motivations to combine the *Rawlins* reference and the *Flannery* reference are legally insufficient to support combining the references. In addition, the *Rawlins* reference and the *Flannery* reference in combination would not teach or suggest all the claim limitations of the Applicants' invention. Therefore, the Applicants respectfully submit that the rejections of Claims 9-10 and Claim 13 under 35 U.S.C. § 103(a) have been overcome.

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On Page 7 of the August 23, 2005 Office Action, the Examiner rejected Claims 8-10, 13, 15 and 20 under 35 U.S.C. § 103(a) as being unpatentable over *Flannery* in view of *Rawlins* and further in view of *Ben-Dor*. The Applicants respectfully traverse the Examiner's position that the Applicants' invention is obvious in view of the *Ben-Dor* reference and the *Rawlins* reference and the *Flannery* reference. The Applicants hereby incorporate by reference all of the remarks previously made concerning the deficiencies of the *Rawlins* reference and the *Flannery* reference in connection with the Applicants' arguments against the claim rejections discussed above.

The Applicants respectfully traverse these assertions of the Examiner. For the reasons previously set forth, the Applicants respectfully traverse that all of the limitations are met by a combination of *Rawlins* and *Flannery* except for the limitation of coupling a virtual conduit interface to the secure USB domain device within a host computer. The Applicants have already identified and discussed the deficiencies of the combination of the *Rawlins* reference and the *Flannery* reference. These deficiencies are not corrected or supplied by any elements within the *Ben-Dor* reference.

Further, the supposed motivation to allow "the USB controller to interface with non-USB hardware" is very general and does not specifically suggest combining the teachings of the *Ben-Dor* reference with the teachings of the *Rawlins* reference or the teachings of the *Flannery* reference. There must be some suggestion or motivation, either in the references themselves, or in the knowledge generally available to one of ordinary skill in the art, to modify a reference or to combine reference teachings. The desire to obtain "a non-USB hardware interface" is too

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general and vague to provide the legally requisite motivation to modify a reference or to combine reference teachings.

The Applicants respectfully submit that one skilled in the art would not attempt to combine the apparatus and method of *Ben-Dor* with the combination of *Rawlins* and *Flannery*. The Applicants submit that a combination of the *Rawlins* apparatus and the *Flannery* apparatus and the *Ben-Dor* apparatus would be unworkable. For this reason there would be no suggestion or motivation to combine the teachings of the *Ben-Dor* reference with a combination of the *Rawlins* reference and the *Flannery* reference.

Even if the *Ben-Dor* reference could somehow be combined with the combination of the *Rawlins* reference and the *Flannery* reference, the combination would not teach, suggest, or even hint at the Applicants' invention as set forth in Claims 8-10, 13, 15 and 20. MPEP § 2142 indicates that a prior art reference (or references when two or more references are combined) must teach or suggest all the claim limitations of the invention. The teaching or suggestion to make the claimed invention and the reasonable expectation of success must both be found in the prior art, and not be based on an applicant's disclosure. In the present case, the *Ben-Dor* reference and the *Rawlins* reference and the *Flannery* reference in combination would not teach or suggest all the claim limitations of the Applicants' invention. Therefore, the Applicants respectfully submit that the rejections of Claims 8-10, 13, 15 and 20 under 35 U.S.C. § 103(a) have been overcome.

On Page 8 of the August 23, 2005 Office Action, the Examiner also rejected Claim 18 under 35 U.S.C. § 103(a) as being unpatentable over *Flannery* in view of *Rawlins* and further in

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view of *Lemay*. The Applicants respectfully traverse the Examiner's position that the Applicants' invention is obvious in view of the *Rawlins* reference and the *Flannery* reference and the *Lemay* reference. The Applicants hereby incorporate by reference all of the remarks previously made concerning the deficiencies of the *Rawlins* reference and the *Flannery* reference in connection with the Applicants' arguments against the claim rejections discussed above.

The Examiner stated that all the limitations are met by *Flannery* and *Rawlins* except for the limitation of encryption and that the limitation of encryption is met by *Lemay* in Paragraphs 58 and 59. The Examiner stated that it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the encryption as taught by *Lemay* with the teachings of *Flannery* and *Rawlins* to prevent deciphering of confidential information by an intruder. (August 23, 2005 Office Action, Page 8, Lines 13-16).

The Applicants respectfully traverse these assertions of the Examiner. For the reasons previously set forth, the Applicants respectfully traverse that all of the limitations are met by *Flannery* and *Rawlins* except for the limitation of encryption. The Applicants have already identified and discussed the deficiencies of the *Rawlins* reference and the *Flannery* reference. These deficiencies are not corrected or supplied by any elements within the *Lemay* reference.

With respect to the Examiner's arguments against Claim 18, the Applicants have previously addressed and respectfully traversed the Examiner's assertions concerning the elements of the *Rawlins* reference and the *Flannery* reference. The Applicants hereby repeat and reassert those arguments specifically against the rejection of Claim 18.



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Further, the supposed motivation to "prevent deciphering of information by an intruder" is very general and does not specifically suggest combining the teachings of the *Lemay* reference with the teachings of the *Flannery* reference and the *Rawlins* reference. There must be some suggestion or motivation, either in the references themselves, or in the knowledge generally available to one of ordinary skill in the art, to modify a reference or to combine reference teachings. The desire to prevent "deciphering of information" is too general and vague to provide the legally requisite motivation to modify a reference or to combine reference teachings.

Even if the combination of the *Rawlins* reference and the *Flannery* reference could somehow be combined with the *Lemay* reference, the combination would not teach, suggest, or even hint at the Applicants' invention as set forth in Claim 18. MPEP § 2142 indicates that a prior art reference (or references when two or more references are combined) must teach or suggest all the claim limitations of the invention. The teaching or suggestion to make the claimed invention and the reasonable expectation of success must both be found in the prior art, and not be based on an applicant's disclosure. In the present case, the *Rawlins* reference and the *Flannery* reference and the *Lemay* reference in combination would not teach or suggest all the claim limitations of the Applicants' invention. Therefore, the Applicants respectfully submit that the rejection of Claim 18 under 35 U.S.C. § 103(a) has been overcome.

On Pages 8-9 of the August 23, 2005 Office Action, the Examiner also rejected Claim 19 under 35 U.S.C. § 103(a) as being unpatentable over *Flannery* in view of *Rawlins*. The Applicants respectfully traverse the Examiner's position that the Applicants' invention is obvious in view of the *Rawlins* reference and the *Flannery* reference. The Applicants hereby

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incorporate by reference all of the remarks previously made concerning the deficiencies of the *Rawlins* reference and the *Flannery* reference in connection with the Applicants' arguments against the claim rejections discussed above.

The Examiner stated that all the limitations are met by *Flannery* except for the limitation of data flowing from a first device to a second device directly through said secure USB domain device without utilizing resources of the host computer. The limiting is supposed to be disclosed within the *Rawlins* reference. The Examiner stated that it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of *Flannery* with the teachings and *Rawlins* "in order to screen its outgoing flow and prevent access to the data from an unauthorized user. (August 23, 2005 Office Action, Page 9, Lines 5-6).

The Applicants respectfully traverse these assertions of the Examiner. For the reasons previously set forth, the Applicants respectfully traverse that all of the limitations are met by *Flannery* except for the limitation of not utilizing the resources of the host computer. The Applicants have already identified and discussed the deficiencies of the *Flannery* reference. These deficiencies are not corrected or supplied by any elements within the *Rawlins* reference.

With respect to the Examiner's arguments against Claim 19, the Applicants have previously addressed and respectfully traversed the Examiner's assertions concerning the elements of the *Rawlins* reference and the *Flannery* reference. The Applicants hereby repeat and reassert those arguments specifically against the rejection of Claim 19.

Further, the supposed motivation to "in order to screen its outgoing flow and prevent access to the data from an unauthorized user" is very general and does not specifically suggest

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combining the teachings of the *Flannery* reference with the teachings of the *Rawlins* reference. There must be some suggestion or motivation, either in the references themselves, or in the knowledge generally available to one of ordinary skill in the art, to modify a reference or to combine reference teachings. The desire to prevent "access from an unauthorized user" is too general and vague to provide the legally requisite motivation to modify a reference or to combine reference teachings.

Even if the *Rawlins* reference could somehow be combined with the *Flannery* reference, the combination would not teach, suggest, or even hint at the Applicants' invention as set forth in Claim 19. MPEP § 2142 indicates that a prior art reference (or references when two or more references are combined) must teach or suggest all the claim limitations of the invention. The teaching or suggestion to make the claimed invention and the reasonable expectation of success must both be found in the prior art, and not be based on an applicant's disclosure. In the present case, the *Rawlins* reference and the *Flannery* reference in combination would not teach or suggest all the claim limitations of the Applicants' invention. Therefore, the Applicants respectfully submit that the rejection of Claim 19 under 35 U.S.C. § 103(a) has been overcome.

The Applicants respectfully submit that Claims 2-20, as amended, are in condition for allowance. Allowance of Claims 2-20, as amended, is respectfully requested.

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The Applicants' attorney has made the amendments and arguments set forth above in order to place this Application in condition for allowance. In the alternative, the Applicants' attorney has made the amendments and arguments to properly frame the issues for appeal. In this Amendment, the Applicants make no admission concerning any now moot rejection or objection, and affirmatively deny any position, statement or averment of the Examiner that was not specifically addressed herein.

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SUMMARY

If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this Application, the Applicants respectfully invite the Examiner to contact the undersigned at the telephone number indicated below or at wmunck@davismunck.com.

The Commissioner is hereby authorized to charge any fees connected with this communication (including any extension of time fee) or credit any overpayment to Davis Munck Deposit Account No. 50-0208.

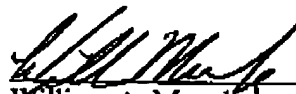
Respectfully submitted,

DAVIS MUNCK, P.C.

Date:

Oct. 24, 2005

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